

or mitigates the offense, and, in connection with sentencing, disclose to the defense all unprivileged mitigating information known to the judge advocate, except when the judge advocate is relieved of this responsibility by a protective order or regulation; and

(v) Exercise reasonable care to prevent investigators, law enforcement personnel, employees, or other persons assisting or associated with the judge advocate in a criminal case from making an extrajudicial statement that the trial counsel would be prohibited from making under § 776.44.

(2) [Reserved]

(b) [Reserved]

**§ 776.47 Advocate in nonadjudicative proceedings.**

A judge advocate representing a client before a legislative or administrative tribunal in a nonadjudicative proceeding shall disclose that the appearance is in a representative capacity and shall conform to the provisions of § 776.41, § 776.42, and § 776.43.

**§ 776.48 Truthfulness in statements to others.**

(a) *Truthfulness in statements to others.* In the course of representing a client a judge advocate shall not knowingly:

(1) Make a false statement of material fact or law to a third person; or

(2) Fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by § 776.25.

(b) [Reserved]

**§ 776.49 Communication with person represented by counsel.**

In representing a client, a judge advocate shall not communicate about the subject of the representation with a party the judge advocate knows to be represented by another judge advocate in the matter, unless the judge advocate has the consent of the other judge advocate or is authorized by law to do so.

**§ 776.50 Dealing with an unrepresented person.**

When dealing on behalf of a client with a person who is not represented by counsel, a judge advocate shall not

state or imply that the judge advocate is disinterested. When the judge advocate knows or reasonably should know that the unrepresented person misunderstands the judge advocate's role in the matter, the judge advocate shall make reasonable efforts to correct the misunderstanding.

**§ 776.51 Respect for rights of third persons.**

In representing a client, a judge advocate shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

**§ 776.52 Responsibilities of the Judge Advocate General and supervisory judge advocates.**

(a) *Responsibilities of the Judge Advocate General and supervisory judge advocates.* (1) The Judge Advocate General and supervisory judge advocates shall make reasonable efforts to ensure that all judge advocates conform to this subpart.

(2) A judge advocate having direct supervisory authority over another judge advocate shall make reasonable efforts to ensure that the other judge advocate conforms to this subpart.

(3) A supervisory judge advocate shall be responsible for another subordinate judge advocate's violation of this subpart if:

(i) The supervisory judge advocate orders or, with knowledge of the specific conduct, ratifies the conduct involved; or

(ii) The supervisory judge advocate has direct supervisory authority over the other judge advocate and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

(4) A supervisory judge advocate is responsible for ensuring that the subordinate judge advocate is properly trained and is competent to perform the duties to which the subordinate judge advocate is assigned.

(b) [Reserved]